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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

ROWLAND MARCUS ANDRADE.

Defendant.

) CASE NO. CR 20-00249 RS (LB)

**DECLARATION OF DAVID WARD IN
SUPPORT OF THE UNITED STATES'
RESPONSE TO DEFENDANT'S MOTION TO
COMPEL DISCOVERY (RE: LEVIN PHONE)**

I, David Ward, declare and state as follows:

I am an Assistant United States Attorney for the Northern District of California assigned to the prosecution of the above-captioned case.

1. On August 2, 2024, I spoke by phone with Sean Buckley, an attorney at Kobre & Kim. Mr. Buckley stated that he formerly represented Mr. Levin, no longer did so. Mr. Buckley stated that he was unaware that defendant Andrade had filed a motion arguing that Levin had

1 abandoned any interest in his cell phone, and vehemently disputed that characterization.

2 Later that day I sent to Mr. Buckley a copy of the Court's August 1, 2024 Discovery Order
3 regarding the Levin phone.

4 2. On August 23, 2024, after inquiring with Mr. Buckley on the status of Levin's objection to
5 producing an image of his phone, I received an email from him. The following is a complete
6 copy of that email:

7 *Thank you, Dave. I do not currently represent Mr. Levin, as we have discussed. That said,
8 and despite the Magistrate's order, I do not understand how these materials are "abandoned
9 property" as they were seized pursuant to a warrant and without the consent of Mr. Levin. I
10 believe Mr. Levin maintains a valid privacy interest in those materials given the nature of
11 how they were taken and maintained. To be clear, while I do not represent Mr. Levin, I want
12 to make clear that neither I nor Mr. Levin (to my knowledge) has disclaimed or waived any
13 privacy interest in devices that were taken from him without his consent pursuant to
14 compulsory process from the Government.*

15
16 *Sean S. Buckley*
17 *[phone redacted]*

18 Executed this 28th day of August, 2024, in San Francisco, California.

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28 */s/ David Ward* _____
DAVID WARD
Assistant United States Attorney